

Date

Tanika L. Starks  
2900 Westfork Dr.  
Suite 401  
Baton Rouge, Louisiana 70826

**Re: Ethics Board Docket No. 2021-203**

Dear Ms. Starks:

The Louisiana Board of Ethics, at its May 7, 2021 meeting, considered your request for an advisory opinion on behalf of your client, Mervin Allen, Jr., an alderman for the Town of White Castle, as to whether an alderperson's donation of their salary to the town for the establishment of a utility subsidy would be a violation of the Louisiana Code of Governmental Ethics.

### **FACTS PROVIDED**

Mervin Allen, Jr. is an alderman for the Town of White Castle. Mr. Allen would like to donate a portion of his salary to the city in order to establish a utility subsidy for the benefit of town's citizens. Specifically, he intends that his donation fund utility vouchers for a certain number of citizens each month.

### **LAWS**

**La. R.S. 42:1113A** states that no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

**La. R.S. 42:1123(30)** provides that a public servant, a legal entity in which he has a controlling interest, or a member of his immediate family may donate services, movable property, or funds to his agency.

### **ANALYSIS**

Generally, the exception found in La. R.S. 42:1123(30) permits a public servant to donate his or her salary.

## CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Mr. Allen from making a donation of his salary to the Town of White Castle. However, the Board expresses no opinion as to whether the town may use the donated funds for the establishment of a subsidy program.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct, and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws. Opinions regarding the appropriate use of the funds donated to the town are within the jurisdiction of the Attorney General. The Office of the Attorney General may be contact at (225)326-6000.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Charles E. Reeves, Jr.  
For the Board

*No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.*

**DISCLAIMER**

*This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.*